

Message Text

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ORIGIN L-02

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E.O. 11652: N/A

TAGS: UN, ECOSOC

SUBJECT: 58TH ECOSOC: AGENDA ITEM 4 -- RULES OF PROCEDURE

REFS: A. USUN 1249; B. STATE 90718; C. USUN 1316

1. IT IS DEPT UNDERSTANDING USSR FORMULATION FOR "ALL STATES" FOOTNOTE FOR RULE 72, AS REPORTED PARA 3 REFTEL A, IS TO APPEAR IN TEXT OF RULES. IF THIS UNDERSTANDING CORRECT, USDEL MAY ACCEPT USSR FORMULATION. ADDITIONALLY, USDEL SHOULD SEEK TO HAVE USSR DEL STATE PUBLIC, FULL CONCURRENCE WITH UNDERSTANDING CONTAINED IN FOOTNOTE WHICH STATEMENT WILL BE RECORDED IN ECOSOC SUMMARY RECORD. USDEL SHOULD ENDEAVOR TO ELICIT ASSURANCE FROM SOVDEL THAT IT WILL SO STATE WHEN ECOSOC DEALS WITH REVISED RULES. FYI: SOVIETS HAVE IN PAST OPPOSED INCLUSION OF UNDERSTANDING, LIMITED OFFICIAL USE
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AND DEPT SEES THIS OCCASION AS OPPORTUNITY TO HAVE SOVIETS PUBLICLY RE-ENDORSE UNDERSTANDING. END FYI.

2. REFTEL B PROVIDES GUIDANCE ON CHINESE PROPOSAL WITH

RESPECT TO RULE 74. USDEL MAY WISH TO SEEK TO HAVE UN LEGAL OFFICER SZASZ DELIVER LESS ENIGMATIC OPINION. OPTIMUM WOULD BE RECOMMENDATION FROM SZASZ TO ECOSOC NOT TO ADOPT CHINESE PROPOSAL SINCE, WHILE ITS EFFECTS ARE UNCLEAR, IT COULD BE CONSTRUED AS DEROGATIVE FROM UN AGREEMENTS WITH SPECIALIZED AGENCIES (SAS). AT LEAST, SZASZ

SHOULD BE PREPARED TO POINT OUT RECIPROCAL PROBLEMS WHICH MIGHT ARISE. SINCE RELEVANT PROVISIONS IN SA AGREEMENTS ARE DESCRIBED AS "RECIPROCAL REPRESENTATION" COVERING RIGHTS OF UN REPRESENTATION IN SAS AS WELL AS SA REPRESENTATION IN UN, CHINESE PROPOSAL, IF IMPLEMENTED AS CERTAIN DELEGATIONS HAVE MADE CLEAR THEY INTEND, WOULD AMOUNT TO A UNILATERAL MODIFICATION WHICH COULD RAISE DOUBTS ABOUT UN REPRESENTATION IN SAS. FYI: AT SAME TIME, CARE SHOULD BE TAKEN IN ANY U.S. STATEMENTS TO PRESERVE OPTION OF ARGUING, AS IN REFTEL B, THAT, EVEN IF CHINESE PROPOSAL IS ADOPTED, THE AGREEMENTS WITH SAS REMAIN GOVERNING AND UNAFFECTED. END FYI. USDEL MAY ALSO SEEK FRIENDLY DEL TO POINT OUT THAT WHILE CHINESE PROPOSAL IS CLEAR ATTEMPT TO UNILATERALLY MODIFY SA AGREEMENTS, IT IS NOT CLEAR EXACTLY WHAT PROPOSAL MEANS OR HOW IT WOULD BE IMPLEMENTED. FOR EXAMPLE, HOW IS SA PARTICIPATION IN UN BODIES TO BE "IN CONFORMITY WITH RELEVANT GA RESES"? DOES THIS MEAN THAT OBSERVERS WHICH AN SA SENDS MUST BE OF A PARTICULAR CONFIGURATION? AMBIGUITY OF CHINESE PROPOSAL SHOULD BE ARGUED AS REASON FOR REJECTION.

3. SIMILAR CHINESE PROPOSAL FOR RULE 80, CONCERNING NGO PARTICIPATION IN ECOSOC (REFTEL C), IS REMINISCENT OF CHINESE INITIATIVE IN UNESCO, "QUESTION OF THE INTERNATIONAL NGO'S MAINTAINING RELATIONS WITH UNESCO AND HAVING BRANCHES, SECTIONS OR MEMBERS LINKED WITH CHIANG KAI-SHEK CLIQUE" (PRESUMABLY MEANING MEMBERS AND AFFILIATES IN TAIWAN). UNESCO ADOPTED RES (OVER U.S. "NO" VOTE) WHICH URGED ALL NGO'S TO SEVER RELATIONS WITH "BODIES OR ELEMENTS LINKED WITH CHIANG KAI-SHEK" AND INVITED UNESCO LIMITED OFFICIAL USE
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DG TO REQUEST NGO REPORTS ON ACTION TAKEN. DG IS TO SUBMIT REPORT TO UNESCO IN AUTUMN 1975. CHINESE INITIATIVE IN UNESCO DID NOT CALL FOR ACTION TO BE TAKEN AGAINST NGO'S, THOUGH ACTION MAY BE SOUGHT AFTER DG'S REPORT. CHINESE PROPOSAL IN ECOSOC WOULD SEEM TO CALL FOR ACTION, BUT IS AMBIGUOUS. (PLEASE CABLE TEXT.) AS WITH SA QUESTION, AN ISSUE IS HOW WOULD CHINESE LANGUAGE BE IMPLEMENTED. MATTER IS NOT CLEAR. ARGUABLY THERE ARE NUMEROUS POLITICAL RESES ADOPTED BY GA WHICH SOME DEL MAY REGARD AS NOT BEING "CONFORMED WITH" BY CERTAIN NGOS. IF CHINESE PROPOSAL ADOPTED ISSUE CANNOT BE EXPECTED TO BE CONFINED TO (UNSTATED) CHIREP QUESTION. USDEL SHOULD SEEK TO

EMPHASIZE PANDORA'S BOX NATURE OF PROPOSAL IN DISCUSSION WITH OTHER DELS. USDEL SHOULD ALSO NOTE THAT NGO AFFILIATES ARE ALSO NON-GOVERNMENTAL, THAT NGOS DO NOT SPEAK FOR GOVERNMENTS, NOR DO THEY TAKE ORDERS FROM GOVERNMENTS.

ECOSOC WOULD DO A DISSERVICE TO ITSELF AND NGOS BY ENDEAVORING TO IMPOSE POLITICAL CONDITIONS ON NGOS.

4. USDEL SHOULD NOT TAKE LEADING ROLE THIS ISSUE BUT CAN ENGAGE IN NORMAL GIVE-AND-TAKE DISCUSSION AND DEBATE. AS NOTED REFTEL C CHINESE AMENDMENTS GO WELL BEYOND IMMEDIATE CHIREP QUESTIONS AND IT IS ON THESE BROADER ISSUES THAT WE HOPE USDEL CAN FOCUS ITS MAIN EFFORTS. FOR EXAMPLE QUESTION OF NGO MEMBERSHIP CAN WELL AFFECT AREAS OTHER THAN TAIWAN WHICH BECOME CENTER OF POLITICAL CONTROVERSY. SIMILARLY WITH REGARD TO AMENDMENT RE SPECIALIZED AGENCIES, PHRASE "RELEVANT RESOLUTIONS" COULD BE TAKEN AS INCLUDING WHOLE RANGE OF PRESENT AND FUTURE GA PRONOUNCEMENTS ON ISSUES AFFECTING INTERNATIONAL FINANCIAL INSTITUTION ACTIVITIES. WE BELIEVE A NUMBER OF DELS, WHICH THOUGH POSSIBLY SYMPATHETIC TO PRC POSITION RE CHIREP, MAY WELL BE CONCERNED AT LARGER IMPLICATIONS OF CHINESE AMENDMENTS. ACCORDINGLY IN ITS DISCUSSIONS USDEL SHOULD STEER AWAY FROM CHINESE ASPECTS OF ISSUE AND CONCENTRATE ON BASIC ISSUES AND PROBLEMS WHICH ARE POSED BY AMENDMENTS. KISSINGER

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